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09/964,307	09/26/2001	James T. Bodner	200302220-1	9916

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EXAMINER
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AILES, BENJAMIN A

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JAMES T. BODNER and ANDREW BROWN

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Appeal 2009-006019  
Application 09/964,307  
Technology Center 2400

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Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT, and  
CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1, 5-7, 11-14, and 18-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## STATEMENT OF THE CASE

Appellants' claimed invention is a system and method for automatically configuring a plurality of server computers (Spec. ¶ [0003]).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. An automatic method of configuring a server in a system including a plurality of servers, comprising:

(a) requesting configuration data by the server to be configured;

(b) without human intervention, identifying from among a plurality of servers, which server includes configuration data suitable for use by the server to be configured, wherein each of the plurality of servers has configuration data that can be used to configure another server;

(c) automatically retrieving the suitable configuration data from said identified server; and

(d) providing the retrieved configuration data to the server to be configured.

## REFERENCES

Suorsa	US 2004/0226010 A1	Nov. 11, 2004
Baker	US 7,080,138 B1	Jul. 18, 2006

The Examiner rejected claims 1, 5-7, 11-14, and 18-20 under 35 U.S.C. § 103(a) based upon the teachings of Suorsa and Baker.

Appellants contend Suorsa and Baker cannot be combined because Suorsa is directed to a centralized configuration system and Baker is directed

to a decentralized system (distributed system), and thus, are mutually exclusive (App. Br. 10-11).<sup>2</sup>

## ANALYSIS

Appellants argue Suorsa and Baker cannot be combined because they teach centralized and decentralized networks, respectively, which are mutually exclusive (App. Br. 11). Appellants argue Baker teaches how to “select a content server to provide desired content to a client when the desired content is already present on multiple content servers” but in Suorsa “the desired configuration data is only present at one location” (App. Br. 11). Thus, a resulting system due to the combination would have “multiple copies of Suorsa’s configuration database stored at various locations in the network,” resulting in an overly complex system (App. Br. 12).

The Examiner asserts Baker was cited for providing a method for configuration data delivery (Ans. 9; col., 2, ll. 26-29) to a requesting server as taught by Suorsa (Ans. 9; ¶ [0048]). Further, as the Examiner noted, the claims do not require a centralized system or a decentralized system.

In light of the Examiner’s findings (Ans. 3-4, 9), which we adopt as our own, claim 1 and claims 7 and 14 argued therewith (App. Br. 12) are obvious over the combination of Suorsa and Baker. The remaining claims, not separately argued (App. Br. 12) fall with claims 1, 7, and 14.

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<sup>2</sup> The Supplemental Appeal Brief mailed January 11, 2008, is referenced throughout this opinion.

### CONCLUSION

The Examiner did not err in rejecting claims 1, 5-7, 11-14, and 18-20 under 35 U.S.C. § 103(a).

### DECISION

The Examiner's decision rejecting claims 1, 5-7, 11-14, and 18-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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